IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLAGTE JURISDICTION

WRIT PETITION NO. 2144 OF 2006

Umashankar R. Yadav .. Petitioner.
V/s
Shree Raghuvir Vidyalaya & Others..Respondents.

Mr. M.P. Vashi i/b M.P. Vashi and Associates for the petitioner.

Mr. V.A. Kohir for the respondents.

CORAM : DR. D.Y. CHANDRACHUD, J.

DATE : 30TH JUNE, 2006.

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. The petitioner was originally appointed on a temporary basis from 17th June, 1999 to 30th April,2000, as an Assistant Teacher. Thereafter the petitioner was appointed on probation on 13th June, 2000. The services of the petitioner were terminated by an order of termination simplicitor issued on 22nd March, 2001. The School Tribunal while dismissing the appeal filed by the petitioner noted that the services of the petitioner were found to be unsatisfactory. Before the School Tribunal the Management relied upon several documents including Memos', warning letters, extracts of Log Books, Extracts of Supervisor's Reports etc. showing

the poor performance of the petitioner. In the preliminary enquiry held by the Head Master, it was found that the petitioner has not improved himself and his performance is poor.

2. The learned Counsel appearing on behalf of the petitioner submitted that the original order of appointment should not have been issued for a temporary period as the vacancy was for a permanent post of Assistant Teacher. The petitioner has accepted the appointment on probation for a period of two years from 13th June 2000 and cannot now urge something to the contrary. That apart, even if the petitioner's original probationary appointment was from 17/6/1999 the fact is that the order of termination was issued within two years even of that date. Hence, there is no question of a deemed confirmation of service. The Second submission was that the memos' and warning letters were got up. The record shows that inspection of the documents and record was taken by the petitioner during the pendency of the proceedings before the Tribunal. The Tribunal has considered the documents and material and found that the material on record shows that the services of the petitioner were unsatisfactory. No cogent basis is

shown to doubt the authenticity of the documentary material. The learned Counsel for the petitioner finally relied on the letter of termination and states that the termination letter does not specify that the services were unsatisfactory. This submission needs to be rejected. During the period of probation the management is entitled to evaluate the performance of the employee. In this case the performance was not found to be satisfactory so as to confirm the services of the probationer.

3. There is no merit in the petition. The Petition is dismissed.

(DR. D.Y. CHANDRACHUD, J.)